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Attorney for Defendant

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT MARSHALL,

Defendant.

CASE NO. 2:19-CR-00270-JAD-BNW

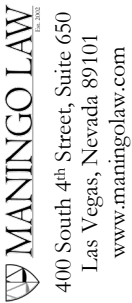
**STIPULATION TO CONTINUE
RESTITUTION HEARING**

(FIRST REQUEST) ECF NO. 156

IT IS HEREBY STIPULATED AND AGREED, by Defendant ROBERT MARSHALL, by and through his attorney, LANCE A. MANINGO (“MANINGO”), and the United States of America, by and through JIM W. FANG, Assistant United States Attorney, that the restitution hearing currently scheduled for February 15, 2023, at 10:00 a.m. be vacated and continued a minimum of forty-five (45) days, to a date and time convenient for this Court.

This Stipulation is entered into for the following reasons:

1. On February 22, 2022, the Government produced restitution-related discovery to the Defendant (via prior counsel, only);
2. On October 5, 2022, MANINGO substituted in as counsel of record for Defendant;



- 1 3. In mid-October, 2022, MANINGO was provided prior counsel's file, but the
2 restitution-related discovery was not included therein;
- 3 4. On November 17, 2022, MANINGO emailed the Government asking if there
4 was any previously produced restitution-related discovery;
- 5 5. Due to the Government's misunderstanding of Defendant's inquiry, the
6 Government did not acknowledge the February 22, 2022 production and did not
7 provide Defendant the restitution-related exhibits, resulting in neither party
8 being aware that the current counsel was not in possession of full discovery;
- 9 6. On January 4, 2023, this Court heard sentencing arguments, set a restitution
10 hearing, and ordered the Government to provide, not later than February 3,
11 2023, Defendant with all witnesses and exhibits to be used at the time of
12 hearing;
- 13 7. On February 3, 2023 the Government provided restitution-related exhibits, as
14 previously ordered by the Court, to Defendant in anticipation of the February
15 15, 2023 restitution hearing;
- 16 8. Upon review, MANINGO confirmed these restitution-related exhibits were not
17 previously provided by prior defense counsel or the Government;
- 18 9. These restitution-related exhibits are voluminous and will take significant time
19 to review and analyze;
- 20 10. Defendant may need to retain and/or consult with a forensic accountant and/or
21 other related experts relative to these restitution-related exhibits;
- 22 11. Defendant will require additional time to prepare for the upcoming hearing;
- 23 12. Defendant is out of custody and does not object to a continuance;
- 24 13. The Government does not object to a continuance;
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14. The denial of this request for a continuance could result in a miscarriage of justice; and

15. This is the first request for a continuance of the restitution hearing in this case.

RESPECTFULLY SUBMITTED this 13th day of February, 2023.

By: /s/ Lance A. Maningo
LANCE A. MANINGO
Attorney for Defendant

By: /s/ Jim W. Fang
JIM W. FANG
Attorney for United States

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT MARSHALL,

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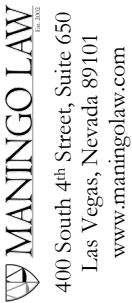
CASE NO. 2:19-CR-00270-JAD-BNW

FINDINGS OF FACTS

Based upon the pending Stipulation of the parties, and good cause appearing therefore, the Court finds that:

This Stipulation is entered into for the following reasons:

1. On February 22, 2022, the Government produced restitution-related discovery to the Defendant (via prior counsel, only);
2. On October 5, 2022, MANINGO substituted in as counsel of record for Defendant;
3. In mid-October, 2022, MANINGO was provided prior counsel's file, but the restitution-related discovery was not included therein;
4. On November 17, 2022, MANINGO emailed the Government asking if there was any previously produced restitution-related discovery;
5. Due to the Government's misunderstanding of Defendant's inquiry, the Government did not acknowledge the February 22, 2022 production and did not provide Defendant the restitution-related exhibits, resulting in neither party being aware that the current counsel was not in possession of full discovery;



6. On January 4, 2023, this Court heard sentencing arguments, set a restitution hearing, and ordered the Government to provide, not later than February 3, 2023, Defendant with all witnesses and exhibits to be used at the time of hearing;
7. On February 3, 2023 the Government provided restitution-related exhibits, as previously ordered by the Court, to Defendant in anticipation of the February 15, 2023 restitution hearing;
8. Upon review, MANINGO confirmed these restitution-related exhibits were not previously provided by prior defense counsel or the Government;
9. These restitution-related exhibits are voluminous and will take significant time to review and analyze;
10. Defendant may need to retain and/or consult with a forensic accountant and/or other related experts relative to these restitution-related exhibits;
11. Defendant will require additional time to prepare for the upcoming hearing;
12. Defendant is out of custody and does not object to a continuance;
13. The Government does not object to a continuance;
14. The denial of this request for a continuance could result in a miscarriage of justice; and
15. This is the first request for a continuance of the restitution hearing in this case.

CONCLUSIONS OF LAW

The ends of justice are served by granting the requested continuance.

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ORDER

IT IS THEREFORE ORDERED that restitution hearing in this matter currently scheduled for February 15, 2023 at 10:00 a.m. be vacated and continued to March 27, 2023, at 11 a.m. in the above-noted Court.


DATED this 14th day of February, 2023.


UNITED STATES DISTRICT COURT JUDGE

Respectfully submitted by:

 **MANINGO LAW**
Est. 2002

By: /s/ Lance A. Maningo
Lance A. Maningo
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